THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16159 of 2007

30.7.2007

Between:

Nallapuneni Appa Rao, S/o.Late Narayana

… Petitioner

AND

The Revenue Divisional Officer, Khammam
And others

… Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16159 of 2007

ORDER:

The petitioner herein is allegedly owner of land admeasuring Acs.9.32½ guntas in survey No.150/A/A situated at Maddulapalli village in Khammam District. This includes an extent of Acs.4.08½ guntas situated in Maddulapalli village. Out of the said land, petitioner entered into agreement with fourth respondent to sell part of his land, but sale deed has not yet been executed. Respondents 4 and 5 are the owners of land adjacent to petitioner's land. The second respondent initiated enquiry, on an application by fourth respondent for mutation in the revenue records for the land in survey No.150/A/A. The petitioner alleges that fourth respondent created forged documents for the said purpose and third respondent, who is at present incumbent Tahsildar of Khammam Rural Mandal and who is going to retire on 31.7.2007, is issuing necessary proceedings for correcting record of rights, without notice to the petitioner. Apprehending such mutation without notice to the petitioner, the present writ petition is filed.

After hearing learned Counsel for the petitioner and learned Assistant Government Pleader for Revenue (General-T), this Court is convinced that unless respondents 2 and 3 issued notice in Form-VIII to the petitioner under Section 5(3) of Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971, read with Rule 19(1) of Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989, entries in respect of land in survey No.150/A/A cannot be altered/changed nor mutation can be effected in favour of others.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO,J**)

July 30, 2007.
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